

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**IN RE: DIGITEK PRODUCT LIABILITY
LITIGATION**

MDL NO. 1968

THIS DOCUMENT RELATES TO ALL CASES

NON-PARTY WITNESS JASMINE SHAH'S MOTION FOR PROTECTIVE ORDER

Non-Party Witness Jasmine Shah ("Mr. Shah"), by and through counsel and pursuant to Rules 7 and 26(c) of the Federal Rules of Civil Procedure, moves the Court to issue a protective order requiring Plaintiffs' counsel to reschedule Mr. Shah's deposition at a mutually convenient date. Good cause exists to issue a protective order due to a previously scheduled engagement for counsel on February 15, 2010, and to spare Mr. Shah the undue burden and expense of either: (i) altering his preexisting travel arrangements to prepare for a deposition that Plaintiffs' counsel unilaterally scheduled without his input; or (ii) appearing for his deposition when neither counsel nor himself has had reasonable time to prepare. A Memorandum in Support of this Motion is being filed simultaneously with this Motion.

In further support of this Motion, attached as "Motion Exhibit 1" is the Declaration of John R. Vales dated February 8, 2010 and as "Motion Exhibit 2" the Affidavit of Matthew P. Moriarty dated February 8, 2010.

Respectfully submitted,

RIKER DANZIG SCHERER HYLAND &
PERRETTI LLP

By: /s/ John R. Vales

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CERTIFICATE OF SERVICE

I, John R. Vales, hereby certify that on February 8, 2010, I electronically filed the foregoing “Non-Party Jasmine Shah’s Motion for Protective Order” with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

RIKER DANZIG SCHERER HYLAND &
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